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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,462	09/05/2003	Richard Lee Smith	1225.14	8430
21176 7590 06/14/2007 SUMMA, ALLAN & ADDITON, P.A. 11610 NORTH COMMUNITY HOUSE ROAD SUITE 200 CHARLOTTE, NC 28277			EXAMINER SOOHOO, TONY GLEN	
			ART UNIT 1723	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/656,462

Applicant(s)

SMITH, RICHARD LEE

Examiner

Tony G. Soohoo

Art Unit

1723

All participants (applicant, applicant's representative, PTO personnel):

(1) Tony G. Soohoo.

(3) _____.

(2) Jesse B. Ashe.

(4) _____.

Date of Interview: 11 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Fax informal claims for discussion, total 7 pages attached.

Claim(s) discussed: 1 and 15.


Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The recitation of the connective configuration of the coupling and pump alignment would further define the invention, however would require further search and consideration of the scope of the claims. No indication of patentability was indicated by the examiner. A supplemental search and consideration of the meets and bounds of the prior art would be necessary.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


TONY G. SOOHOO
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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to interview
Summary
TGS
1723*

FACSIMILE TRANSMITTAL SHEET

TO:	Examiner Soohoo	FROM:	Jesse B. Ashe, III
COMPANY:	USPTO	DATE:	June 8, 2007
FAX NUMBER:	1-571-273-1147	TOTAL NO. OF PAGES INCLUDING COVER:	7
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	1225.14
RE:	INFORMAL PROPOSED AMENDMENTS	YOUR REFERENCE NUMBER:	Confirmation No. 8430

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

CONFIDENTIALITY NOTE

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Attorney Docket No. 1225.14

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Smith
Serial No. 10/656,462
Filed: September 5, 2003
For: MOBILE DECONTAMINATION UNIT

Art Unit: 1723
Confirmation No. 8430
Examiner: T. Soohoo

June 8, 2007

VIA FACSIMILE 571-273-1147

****INFORMAL PROPOSED AMENDMENTS****

Dear Examiner Soohoo:

Thank you for speaking with me yesterday regarding the subject patent application. As discussed, attached please find informal proposed amendments to independent claims 1 and 15 in an effort to advance the application. For the sake of clarity, I include only independent claims 1 and 15. In view of the proposed amendments, I intend to cancel dependent claim 10 having incorporated the subject matter therein into independent claim 1.

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Attachment
to
interview
Summary
TGS p23

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INFORMAL PROPOSED AMENDMENTS TO THE CLAIMS

1. (Currently amended) An apparatus for mixing liquid decontaminants and dispensing a foam-based or liquid-based decontaminant, said apparatus comprising:

a plurality of tanks capable of containing liquids;

a pump assembly having

a plurality of pumps, wherein each pump is in communication with a respective tank, and each pump has a respective drive assembly, said pumps and said drive assemblies aligned in a linear, non-parallel arrangement;

a plurality of couplings connecting each of said drive assemblies in linear series such that said couplings are coaxially aligned with respect to one another, one of said couplings connecting two of said drive assemblies;

a motor directly connected to one end of one of said pumps, said motor further connected in linear series to said drive assembly of said one pump ~~more than one of said drive assemblies~~ such that said motor engages said connected drive assembly, drives said one coupling, and further drives said drive assemblies of other said pumps and other said couplings ~~any other connected drive assemblies at the same time;~~ and

a manifold in communication with said plurality of pumps and said plurality of tanks, said manifold capable of mixing liquids from said plurality of tanks;

wherein said plurality of pumps are capable of drawing liquids from said plurality of tanks in defined ratios through said pumps to said manifold for mixing and dispensing;

wherein said pumps, said drive assemblies, and said couplings are arranged in linear series such that each of said drive assemblies and each of said couplings rotate coaxially with respect to one another.

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15. (Currently amended) A mobile decontamination module for mixing liquid decontaminants and dispensing a foam-based or liquid-based decontaminant, said module comprising:

a plurality of tanks capable of containing liquids;

a pump assembly having

a first pump in communication with said plurality of tanks, said first pump having a drive assembly,

a second pump in communication with said plurality of tanks, said second pump having a drive assembly, said first and second pumps and said respective drive assemblies aligned in a linear, non-parallel arrangement;

a first coupling connecting said drive assembly of said first pump to said drive assembly of said second pump;

a motor directly connected to one end of said first pump, said motor further connected in linear series to said drive assembly of said first pump, such that said motor engages said drive assembly of said first pump, drives said first coupling, and further drives said drive assemblies of said first pump and said second pump at the same time; and

a manifold in communication with said first and second pumps and said plurality of tanks, said manifold capable of mixing liquids from said plurality of tanks;

wherein said first and second pumps are capable of drawing liquids from said plurality of tanks in defined ratios through said first and second pumps to said manifold for mixing and dispensing; and

wherein said first and second pumps, said first and second drive assemblies, and said coupling are arranged in linear series such that said first and second drive assemblies and said coupling rotate coaxially with respect to one another.

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REMARKS

I offer the following comments for consideration during your review of the informal proposed amendments:

- The amended claims are directed to a linear series of pumps, drive assemblies, and couplings such that the pumps, drive assemblies, and couplings are coaxially aligned, whereas U.S. Patent No. 3,250,218 to Sinclair describes a non-linear arrangement of drive assemblies and pumps wherein the pumps, drive assemblies and couplings are aligned in a parallel arrangement. In other words, the amended claims describe pumps, drive assemblies, and couplings that are aligned such that the drive assemblies and couplings rotate coaxially with respect to one another. In contrast, Sinclair depicts pumps, drive assemblies, and couplings offset from one another (i.e., non-linear) in parallel fashion such that the drive assemblies and the couplings rotate about multiple axes.
- The amended claims are directed to drive assemblies in series, wherein a motor drives a single (i.e., one) coupling that connects coaxially aligned drive assemblies. In contrast, Sinclair depicts parallel drive assemblies, wherein a motor drives multiple parallel couplings that connect offset drive assemblies.
- The Examiner cites *In re Japiske*, 37 C.C.P.A. 1026 (1950) for the proposition that "rearranging parts of an invention involves only routine skill in the art" (Office Action, February 12, 2007, page 4). Applicant submits that *Japiske* more accurately held that "there would be no invention in shifting the starting switch ... to a different position since the operation of the device would not thereby be modified." *Japiske*, 37 C.C.P.A. at 1031. In the present case, rearranging the drive assemblies and couplings of the subject apparatus is quite distinct from moving a switch. The switch of the hydraulic press in

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Japiske merely starts the press. In the present case, "rearranging" the drive assemblies and couplings from a parallel to a linear arrangement results in mechanical efficiencies---i.e., the coaxial rotation of sequential gear drives and couplings as opposed to the non-coaxial (i.e., offset and parallel) rotation resulting from one gear drive operating two spaced apart and parallel gear drives, and three or more couplings.

- Applicant submits the "mere fact that a worker in the art could arrange the parts of a referenced device to meet the terms of claims on appeal is not by itself sufficient to support a finding of obviousness." *Ex Parte Chicago Rawhide Mfg. Co.*, 223 U.S.P.Q. 351 , 353 (Bd. Pat. App. & Inter. 1984).

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CONCLUSION

Applicant submits that amended independent claims 1 and 15 are now in condition for allowance, and the same is respectfully requested. Applicant is appreciative of the Examiner's consideration and amenable to any constructive criticism the Examiner may offer.

Respectfully submitted,

//Jesse B. Ashe, III//

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